

TITLE 2. ADMINISTRATION
DIVISION 10. BUREAU OF STATE AUDITS

CHAPTER 1. REDISTRICTING

SUB-CHAPTER 1. DEFINITIONS

60800 - 60829

§ 60800. Ability to Be Impartial

(a) “Ability to be impartial” means that although an applicant may have strong views, and may have participated in social or political causes, the applicant has the capacity and willingness, while serving as a member of the commission, to set aside his or her personal views and all of the following considerations in order to evaluate information with an open mind and make decisions that are fair to everyone affected, including, but not limited to, the establishment of legislative and State Board of Equalization districts that are in compliance with the United States Constitution, the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code), and the criteria set forth in subdivision (d) of section 2 of Article XXI of the California Constitution:

- (1) Personal interests including, but not limited to, personal financial interests.
- (2) Biases for or against any individuals, groups, or geographical areas.
- (3) Support for or opposition to any candidates, political parties, or social or political causes.

(b) An applicant may demonstrate an ability to be impartial through a description of that ability and both of the following:

(1) Having no personal, family, financial relationships, commitments, or aspirations that a reasonable person would consider likely to improperly influence someone making a redistricting decision.

(2) Occupational, academic, volunteer, or other life experiences that show an ability to set aside his or her personal interests, political opinions, and group allegiances to achieve a broad objective.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60801. Applicant

“Applicant” means a person who has submitted an application to serve on the commission.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60802. Application Materials

“Application materials” means the electronic and other documents collected by the bureau and the panel from applicants and from members of the public commenting on applicants during the application process. Application materials shall include, but need not be limited to, the following:

(a) Applications and supplemental applications.

(b) Supporting materials for an application or a supplemental application, including, but not limited to, letters of recommendation.

(c) Written public comments and responses to such comments submitted in accordance with section 60846.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60803. Application Year

“Application year” means the calendar year 2010 or any year ending in “0” thereafter.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60804. Appointed to Federal or State Office

“Appointed to” a federal or state office means a person has been appointed to a federal or state office by the Governor, any member of the Legislature, or any member of the State Board of Equalization, or has served in an appointed position at the pleasure of the Governor, a member of the Legislature, or a member of the State Board of Equalization. A person has been appointed to an office regardless of whether the appointment was subsequently confirmed by the Legislature.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60805. Appreciation for California's Diverse Demographics and Geography

(a) "Appreciation for California's diverse demographics and geography" means all of the following:

(1) An understanding that California's population consists of individuals sharing certain demographic characteristics that may reflect their preferences concerning political representation, including, but not limited to, race, ethnicity, gender, sexual orientation, and economic status.

(2) An understanding that the people of California reside in many different localities with distinct geographic characteristics that may reflect the preferences of the residents concerning their political representation, including, but not limited to, urban, suburban, rural, industrial, agricultural, coastal, inland, arid, and temperate.

(3) A recognition that California benefits by having effective participation in the electoral process by persons of all demographic characteristics and residing in all geographic locations, including, but not limited to, participation by those persons who in the past, as a consequence of sharing certain demographic characteristics, such as race and ethnicity, have had less opportunity than other members of the electorate to participate in the electoral process.

(b) An applicant may demonstrate an appreciation for California's diverse demographics and geography through a description of that appreciation and through occupational, academic, volunteer, or other life experiences that show this appreciation, such as:

(1) Working on one or more projects that involve or affect Californians having different backgrounds or residing in different areas, and therefore having differing interests, yet achieving results that are acceptable to these different Californians.

(2) Studying the voting behavior of Californians in various areas of the state for the purpose of improving the effectiveness of the electoral process.

(3) Traveling throughout California and meeting with people having different backgrounds, in order to recruit them for employment or some other endeavor, or to build consensus on some issue or idea.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60806. Bona Fide Relationship

"Bona fide relationship established through blood or legal relation" means an existing bona fide relationship between a person and his or her spouse, registered domestic partner, parent, child, sibling, or in-law. A relationship is existing if it has not been terminated by death or dissolution. A relationship is bona fide if it is so substantial in nature that it includes any of the following within the preceding 12 months: cohabitation for a period or periods cumulating 30

days or more; shared ownership of any real or personal property having a cumulative value of \$1,000 or more, or either party to the relationship providing a financial benefit to the other having a cumulative value of \$1,000 or more. A “financial benefit” includes anything of value, whether tangible or intangible, and includes any payment, gift, discount, or rendering of services.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60807. Bureau

“Bureau” means the Bureau of State Audits.

§ 60808. Bureau’s Website

“Bureau’s website” means the official state government website for the Bureau of State Audits or any other website that the State Auditor designates for use during the application process for selecting members of the commission.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60809. Campaign Committee

“Campaign committee of a candidate for elective federal or state office” means the following:

(a) As applied to a candidate for elective federal office, any “authorized committee” of that candidate as defined in section 431(5) of title 2 of the United States Code.

(b) As applied to a candidate for elective state office, any “controlled committee” of the candidate as defined in section 82016 of the Government Code, including, but not limited to, any controlled ballot measure committee.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60810. Candidate

“Candidate” for federal or state office means a candidate for federal or state elective office.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60811. Commissioner

“Commissioner” means a member of the Citizens Redistricting Commission.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60812. Conflict of Interest

“Conflict of interest” means having engaged in any of the activities or having had any of the relationships specified in subdivision (a)(2) of section 8252 of the Government Code that require disqualification from serving as either a member of the commission or a member of the panel.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60813. Consultant

“Consultant,” means any person who has entered into an agreement to provide consulting services to a political party, campaign committee, the Governor, a member of the Legislature, a member of Congress elected from California, or a member of the State Board of Equalization, either directly or through a business entity in which the person holds at least a ten percent ownership interest. “Consulting services” means expert advice or personal services related to conducting campaign activities or to holding congressional or state office.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60814. Contributed \$2,000 or More To Any Congressional, State, or Local Candidate For Elective Public Office in Any Year

“Contributed \$2,000 or more to any congressional, state, or local candidate for elective public office in any year” means the following:

(a) “Contributed \$2,000 or more” means having made contributions defined as follows:

(1) With respect to contributions to a congressional candidate, contributions as defined in section 431(5) of title 2 of the United States Code.

(2) With respect to contributions to a state or local candidate, contributions as defined in section 82015 of the Government Code.

(3) Notwithstanding paragraph (2), contributions shall not include payments made by a candidate for a local elective public office to support his or her own candidacy for that office.

(4) Except as provided in paragraph (3), a contribution shall be attributed to a contributor in the manner provided by the federal or California laws that govern the contribution.

(b) A congressional candidate for elective public office means any candidate for the office of Senator or Representative in the Congress of the United States elected from California.

(c) A state candidate for elective public office means any candidate for “elective state office” in California, as defined in section 82024 of the Government Code.

(d) A local candidate for elective public office means any candidate for a regional, county, municipal, district, or judicial office in California that is filled by an election.

(e) “In any year” means the period January 1 through December 31 within a single calendar year.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60815. Diversity

“Diversity” means the variety in the racial, ethnic, geographic, economic, and gender characteristics of the population of California.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60816. Federal Office

“Federal office” means the office of Senator or Representative in the Congress of the United States elected from California.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60817. In-law

“In-law” means any of the following:

(a) The father, mother, or sibling of a person’s spouse or registered domestic partner.

(b) The spouse or registered domestic partner of a person’s child.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60818. Legislative Leader

“Legislative leader” means the President Pro Tempore of the Senate, the Minority Floor Leader of the Senate, the Speaker of the Assembly, or the Minority Floor Leader of the Assembly.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60819. Most Qualified Applicants

“Most qualified applicants” means those applicants who satisfy all of the following requirements:

(a) Are lawfully registered voters in the State of California who, by the date the first eight members of the Commission are selected by the State Auditor, will have been continuously registered in California with the same political party or continuously registered in California as unaffiliated with a political party for at least the five preceding years.

(b) Have voted in at least two of the last three statewide general elections held immediately prior to the date of application.

(c) Do not have a conflict of interest.

(d) In the judgment of the panel are more suited to serving on the commission than other applicants based on their relevant analytical skills, ability to be impartial, and appreciation for California’s diverse demographics and geography.

[Note: Authority cited: *Section 2, Article XXI, California Constitution*; *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60820. Paid Congressional, Legislative, or Board of Equalization Staff

“Paid congressional, legislative, or Board of Equalization staff” means any person who is either of the following:

(a) Employed by and receiving compensation from the Congress of the United States to provide services to a member of Congress elected from California.

(b) Employed by and receiving compensation from the Legislature or the State Board of Equalization.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60821. Paid Consultant

“Paid consultant” means a person who, pursuant to a contract, provides expert advice or personal services related to conducting campaign activities or holding office, and who receives compensation for providing such advice or services.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.

§ 60822. Political Party

“Political party” means a political party that is operating in California by making expenditures to support candidates for elective public office in the state or is recognized by the Secretary of State as a qualified political party as defined in section 5100 of the Elections Code.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60823. Political Party Central Committee

“Political party central committee” means the designated body within a political party operating in California that directs the activities of the party throughout the state or within a particular county, such as a state central committee or a county central committee.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60824. Qualified Independent Auditor

(a) “Qualified independent auditor” means an independent auditor currently employed by the State who satisfies all of the following requirements:

(1) Currently holds an active license issued by the California Board of Accountancy.

(2) By the time of selection to serve on the panel will have acquired at least ten years of experience practicing the skills of an independent auditor.

(3) Does not have a conflict of interest as defined in subdivision (a) of section 8252 of the Government Code.

(b) As used in this section:

(1) “Independent auditor currently employed by the State” means an auditor who is currently employed as a permanent employee of the Bureau of State Audits, which, as provided in section 8543 of the Government Code, is independent of the executive branch and legislative control.

(2) “Experience practicing the skills of an independent auditor” means experience acquired while working as an auditor or investigative auditor for the Bureau of State Audits, for its predecessor, the California Auditor General, or for some other agency of state government, provided that such other agency conducted audits of private entities, local governmental entities, or state departments that were external to itself although under its oversight or investigative authority.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60825. Randomly Draw

“Randomly draw” means to select by the following process for random drawing.

(a) At least ten days prior to any random drawing, the bureau shall provide notice to the public regarding the time and place of the drawing by posting a notice on the bureau’s website and by any other means deemed appropriate by the State Auditor.

(b) Prior to the drawing, the members of the pool from which the drawing will be made shall be divided into three subpools according to the party affiliation of the members of the pool. One subpool shall consist of members registered with the largest political party in California based on registration, another subpool shall consist of members registered with the second largest political party in California based on registration, and a third subpool shall consist of members not registered with either of the two largest political parties in California based on registration. The names of the members of each subpool shall be recorded on a list, with the names sequentially numbered so that each member is assigned a unique identifying number that is also recorded on the list.

(c) On the day of the drawing, the following procedures shall be followed:

(1) The drawing shall be open to the public.

(2) The drawing shall begin with the preparation of the balls that will be used for the drawing. The balls used for the drawing shall consist of 75 newly purchased prenumbered bingo balls of uniform composition, weight, size, shape, and texture that are delivered to the location of the drawing in the manufacturer’s original packaging. Each of the sets shall be designated for use in selecting members from a corresponding subpool. The balls shall be prepared by extracting from each set of balls those balls that bear the number assigned to a member of the corresponding subpool, with all remaining balls set aside. The balls for each subpool shall be kept together and segregated for use in three separate subpool drawings.

(3) The balls for each subpool drawing shall be placed in a bingo cage. The cage shall be rotated vigorously to ensure that the balls are thoroughly mixed. The cage will drop a number of balls equal to the number of persons who must be drawn from the subpool, including any persons who are to serve as alternates. The number and name of the persons drawn during each subpool drawing shall be announced and duly recorded.

(4) After each subpool drawing, the bingo cage shall be emptied to allow the bingo cage to be used for the next subpool drawing until all of the subpool drawings are completed.

(d) At the conclusion of the drawing, the names of all those selected during each subpool drawing shall be posted on the bureau's website and otherwise announced to the public as deemed appropriate by the State Auditor.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60826. Registered Federal, State or Local Lobbyist

"Registered federal, state, or local lobbyist" means a person registered as a lobbyist with the United States Senate, the United States House of Representatives, the California Secretary of State, or any political subdivision of the State of California.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60827. Relevant Analytical Skills

(a) "Relevant analytical skills" means the learned abilities that a commissioner may need to successfully complete the work of the commission.

(b) Abilities related to performing the following tasks shall be considered relevant analytical skills: gathering and comprehending information that bears upon redistricting; evaluating the validity and significance of the information gathered by the commission in order to make sound decisions about the proper placement of communities in districts; applying the appropriate legal standards, including, but not limited to, the United States Constitution and the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code), to drawing district boundaries; and working effectively as a member of a group to promote redistricting decisions that are factually and legally defensible and that the commission can agree upon.

(c) The following are examples of relevant analytical skills grouped according to the tasks listed in subdivision (b):

(1) Gathering and comprehending information that bears upon redistricting:

(A) An ability to read and understand dense and technical written materials, including, but not limited to, maps and statistical information.

(B) An ability to participate effectively in public hearings regarding redistricting by listening carefully and critically to the testimony of witnesses and formulating concise questions that will elicit relevant information.

(2) Evaluating the validity and significance of the information gathered by the commission in order to make sound decisions about the proper placement of communities in districts:

(A) Basic mathematical skills.

(B) Familiarity with using computers and working with software programs such as spreadsheet programs, mapping websites or programs, or word processing programs.

(C) An ability to assess the credibility of information provided by staff, consultants, and members of the public, distinguish facts from opinions, distinguish relevant facts from irrelevant facts, and assess the relative strength of competing arguments.

(D) An ability to resolve complex problems, particularly those involving factual ambiguities as may arise when all of the relevant facts are not apparent or when there are conflicting claims about the facts.

(3) Applying the appropriate legal standards to drawing district boundaries:

(A) An ability to understand the legal principles that govern redistricting as communicated through written materials and advice provided by the commission's legal counsel.

(B) An appreciation for the importance of applying proper legal standards to redistricting decisions.

(4) Working effectively as a member of a group to promote redistricting decisions that are factually and legally defensible and that the commission can agree upon:

(A) Effective communication skills, including, but not limited to, basic writing skills.

(B) An ability to interact effectively with other commissioners to build consensus on proposed decisions through reasoned discussion and negotiation.

(d) An applicant may demonstrate his or her possession of relevant analytical skills through a description of those skills and through occupational, academic, volunteer, or life experiences such as:

(1) Compiling information from a variety of sources, including, but not limited to, statistical reports, expert opinions, and members of the public to develop an understanding of an issue or problem.

(2) Assessing the value of information received from various sources to determine how much weight should be given to certain information versus other information when making a decision concerning an issue.

(3) Receiving expert advice, particularly of a legal nature, and applying that advice to decisions.

(4) Participating in group decision-making as a member of a commission, board, grand jury, task force, or other collection of individuals whose mission was to produce a report, plan, or other work product addressing some issue or problem.

§ 60828. Staff

“Staff” as used in subdivision (a)(2)(B) of section 8252 of the Government Code means any person directly employed, with or without compensation, by the Governor, a member of the Legislature, a member of the Congress of the United States elected from California, or a member of the State Board of Equalization.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60829. State Office

“State office” means every office, agency, department, division, bureau, board, and commission within the government of the State of California.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

SUB-CHAPTER 2. APPLICANT REVIEW PANEL

60830 - 60837

§ 60830. Selection of Panel Members and Alternate Panel Members

(a) The State Auditor shall randomly draw the members of the panel from a pool consisting of all qualified independent auditors as defined in section 60824.

(b) The random drawing shall be conducted in the manner prescribed by section 60825.

(c) Immediately after drawing a member of the panel from any of the subpools that have been established based on party affiliation, the State Auditor may randomly draw an alternate panel member from the same subpool to serve in the event that the panel member’s position on the panel becomes vacant.

(d) If any position on the panel becomes vacant, and the alternate panel member randomly drawn from the same subpool is not available to fill the position, the State Auditor shall conduct another random drawing as necessary to fill the position.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60831. Information About Prospective and Selected Panel Members

The bureau shall post on the bureau's website the following information about prospective and selected members of the panel:

(a) At least 10 days prior to any random drawing of members of the panel, the bureau shall post the names, party affiliations, and relevant qualifications of the qualified independent auditors who will constitute the pool from which the members will be drawn. This information shall remain posted until the random drawing is concluded.

(b) As soon as practicable following any random drawing of members of the panel, the bureau shall post the names, party affiliations, and relevant qualifications of the qualified independent auditors who were selected to serve as members and alternate members of the panel. This information shall remain posted until the first eight members of the commission have been randomly drawn by the State Auditor.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60832. Training of Panel Members

Prior to any member of the panel performing the duties of a panel member, the bureau shall provide the panel member with training in preparation for the performance of those duties. The training shall include, but not necessarily be limited to, all of the following subjects:

(a) The requirements for conducting a public meeting, including, but not limited to, the requirements imposed by the Bagley-Keene Opening Meeting Act (commencing with section 11120 of the Government Code).

(b) The duties of the panel as described in the Voters FIRST Act and the regulations implementing its provisions.

(c) California's diverse demographics and geography.

(d) The responsibilities of the Commission as set forth in the Voters FIRST Act, the United States Constitution and the Voting Rights Act of 1965 (commencing with section 1971 of title 42 of the United States Code).

(e) The process for performing redistricting, including, but not limited to, the use of computer software to draw district lines.

§ 60833. Duties of Panel Members

While serving on the panel, the members of the panel, in addition to complying with section 8252, subdivision (d) of the Government Code, shall comply with all of the following requirements:

(a) Perform the work of the panel in a manner that is consistent with the statutes and regulations governing the panel's work.

(b) Refrain from engaging in any conduct described in section 19572 of the Government Code that would be cause for employee discipline.

(c) Refrain from communicating with any applicant for the Commission except as authorized by the application process set forth in sections 60841 through 60851.

(d) Limit any discussion of specific applicants or application materials to discussions with other panel members during public meetings and to discussions with bureau staff assigned to assist the panel.

(e) Conduct the work of the panel in a manner that is impartial and that reinforces public confidence in the integrity of the panel's work.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60834. Removal of Panel Members

(a) The State Auditor shall have the authority to remove from the panel any member that the State Auditor determines cannot serve as a member of the panel due to any of the following:

(1) Resignation from the panel.

(2) Failure or inability to satisfy any of the requirements for being a Qualified Independent Auditor as described in section 60824.

(3) Failure or inability to perform the duties of a panel member as described in section 60833.

(b) Upon the removal of any member of the panel, the State Auditor shall replace the panel member with an alternate panel member drawn from the same subpool. If the alternate panel member randomly drawn from the same subpool is not available to fill the position, the State Auditor shall conduct another random drawing as necessary to fill the position.

(c) The replacement of a panel member with an alternate panel member shall not affect the validity of any decision previously made by the panel.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60835. Panel Administration

(a) The bureau shall provide the panel with administrative, technical, and clerical support as needed by the panel to carry out its responsibilities under the Act. This support shall include, but not be limited to, the provision of office equipment, facilities, and staff sufficient to perform the following tasks:

- (1) Process applications.
- (2) Collect information concerning applicants.
- (3) Schedule meetings.
- (4) Maintain files.
- (5) Make travel arrangements.
- (6) Communicate with the public regarding panel decisions.

(b) The bureau shall provide the panel with legal counsel. To the extent permitted by law, all work performed by the bureau's legal counsel and all communications between the bureau's legal counsel and the panel shall be confidential and protected from disclosure by any applicable privileges.

(c) The bureau shall retain the records concerning the application process, including, but not limited to, correspondence, applicant lists, applications and supporting materials, public comments and responses, and video recordings for a period of at least 12 years.

(d) If a position on the panel becomes vacant, the bureau shall provide the person filling the vacancy with all of the documents that were provided to the outgoing panel member.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60836. Panel Meetings

(a) The panel shall meet in Sacramento.

(b) The panel shall elect a panel chair during its first meeting. The chair shall preside over all panel meetings. A majority of the panel members may replace the chair or appoint an acting chair to serve in the chair's absence.

(c) Two members of the panel constitute a quorum.

(d) The panel is subject to the provisions of the Bagley-Keene Opening Meeting Act (commencing with section 11120 of the Government Code). Consistent with that act, panel

members may independently review applications prior to any public meeting.

(e) All deliberations by members of the panel regarding applicants shall take place in open session.

(f) Except in instances where it conflicts with state law, the panel shall conduct the meetings of the panel in accordance with the most recent edition of Robert's Rules of Order.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60837. Panel Voting

Panel decisions relating to the removal of an applicant from an applicant pool, or the reconsideration of a decision to remove an applicant from an applicant pool, shall be by a unanimous vote of all three panel members. All other panel decisions may be made by majority vote.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

SUB-CHAPTER 3. CITIZENS REDISTRICTING COMMISSION

60840 – 60855

ARTICLE 1. APPLICATION PROCESS

§ 60840. Outreach Program

(a) In conjunction with initiating an application process for selecting the members of the commission, the bureau shall conduct an outreach program to alert the public to the application process and to encourage the submission of applications by a diverse pool of qualified applicants. The bureau's outreach program shall, at a minimum, include all of the following:

(1) Posting a calendar on the bureau's website indicating the key dates and deadlines for the application process, including, but not limited to, when established, the period during which the bureau will accept applications.

(2) Producing outreach materials regarding the role of the commission, the eligibility and qualifications requirements for serving as a commissioner, and the process for selecting commissioners.

(3) Identifying community partners and requesting that they assist in recruiting qualified applicants.

(4) Creating and distributing public service announcements and print advertisements regarding the application process for placement in local, regional, and ethnic media.

(5) Upon posting an electronic application form on the bureau's website, widely publicizing both the availability of the application and the deadline for its submission.

(b) The breadth and scope of the bureau's outreach program is dependent on the funding that is available for the program.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60841. Overview of the Application Process

The application process shall consist of five phases.

(a) During Phase I, applicants shall be required to complete and submit an initial application form, as described in section 60843, to determine their eligibility to become members of the initial applicant pool.

(b) During Phase II, applicants shall be required to complete and submit a supplemental application form and supporting materials, as described in section 60847, for an evaluation of their relative qualifications. From this pool of applicants, the panel shall reduce the applicant pool to a pool of not more than 120 applicants, who shall proceed to Phase III of the application process.

(c) During Phase III, the panel shall interview the applicants remaining in the applicant pool, as described in section 60849, and reduce the applicant pool to 60 of the most qualified applicants, who shall proceed to Phase IV of the application process.

(d) During Phase IV, the panel shall submit a list of the names of the 60 applicants remaining in the applicant pool to the Legislature, where, as described in section 60852, not more than 24 names shall be removed from the list by the legislative leaders.

(e) During Phase V, the State Auditor shall randomly draw the names of eight applicants from those remaining after the legislative leaders have exercised their right to remove applicants. The eight applicants whose names are drawn by the State Auditor shall become members of the commission, and they shall select the final six commissioners from the remaining pool of applicants.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60842. General Requirements Applicable to Every Phase of the Application Process

All of the following requirements apply to each phase of the application process:

(a) Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities Act of 1990 (commencing with section 12101 of title 42 of the United States Code), applicants shall fill out and submit all applications electronically using the bureau's website. The bureau shall neither make available nor accept paper applications, and all application materials, except letters of recommendation, shall be submitted to the bureau electronically.

(b) All deadlines established by the bureau and the panel, including, but not limited to, deadlines for the submission of application materials are final. Application materials not timely received or deemed incomplete by the bureau or the panel shall not be considered.

(c) The bureau or the panel may inquire about or seek additional information from an applicant during any phase of the application process.

(d) The bureau or the panel may exclude or remove from an applicant pool any applicant who does any of the following:

(1) Submits more than one Phase I or Phase II application.

(2) Submits an incomplete application.

(3) Fails to timely submit supporting materials, including, but not limited to, letters of recommendation.

(4) Fails to comply with deadlines established by the bureau or the panel.

(5) Fails to timely respond to inquiries, or to provide additional information as requested by the bureau or the panel.

(e) All applications shall include a certification by the applicant that he or she has provided true and correct information.

(f) All application materials collected and maintained by the bureau are public records and therefore subject to disclosure as provided by the California Public Records Act (commencing with section 6250 of the Government Code), unless exempted from disclosure by a specific provision of the California Public Records Act or disclosure is prohibited by some other state or federal law.

(g) To enhance the transparency of the application process, the bureau shall, as soon as practicable, post application materials on the bureau's website, except that it may decline to post any material, or specific information in any material, that bureau staff determines to be either of the following:

(1) Personal in nature, such as residence addresses, telephone numbers, or so private that it would be inappropriate for public disclosure.

(2) Offensive or harassing in nature due to sexual, profane, racist, or otherwise bigoted content.

(3) Exempt from disclosure under the California Public Records Act or disclosure is prohibited by some other state or federal law.

(h) In a manner consistent with state and federal law, as well as bureau policy, the bureau shall protect and keep confidential any materials or information that is prohibited from public release.

(i) All information provided by or about an applicant through an application, public comment, or by any other means may be subject to investigation and verification by the bureau or the panel.

(j) Except as provided in section 60851, an applicant may not seek reconsideration of any decision by the bureau or the panel.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60843. Phase I Initial Application

(a) On or before January 1 of the application year, the bureau shall initiate Phase I of the application process by posting an initial application form on the bureau's website. Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities Act of 1990 (commencing with section 12101 of the United States Code), applicants shall complete the application electronically and submit it using the bureau's website.

(b) The Phase I initial application period shall extend a minimum of 60 days.

(c) The initial application form shall solicit information from the applicant to determine his or her eligibility to become a member of the initial applicant pool. The information the bureau shall seek via the initial application includes all of the following:

(1) The full name and contact information for the applicant, including, electronic mail address, physical residential address, mailing address, and telephone numbers.

(2) The applicant's race, ethnicity, gender, age, date of birth, and household income.

(3) The applicant's voter registration status and party affiliation.

(4) Whether the applicant will be able to satisfy the eligibility requirements for commission membership set forth in subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(5) Whether the applicant has a conflict of interest.

(d) The applicant shall certify that the information he or she provides on the initial application is true and correct.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution; Section 8252, Government Code*.]

§ 60844. Phase I Initial Application Review

(a) The bureau shall review each application that is submitted during the Phase I application period and exclude from the initial applicant pool any applicant who has not complied with the application process or is not eligible to serve on the commission due to any of the following:

(1) Submitting more than one application.

(2) Submitting an incomplete or untimely application.

(3) Not satisfying the eligibility requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(4) Having a conflict of interest.

(b) Applicants not excluded as provided in subdivision (a) shall be placed in the initial applicant pool and invited by the bureau to participate in Phase II of the application process.

(c) Applicants excluded from the initial applicant pool shall be notified by the bureau and advised of the grounds.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution; Section 8252, Government Code*.]

§ 60845. Publication of Names of Applicants in Initial Applicant Pool

Having excluded from the initial applicant pool those applicants who, based on their initial application, were not eligible to serve as members of the commission because of an inability to satisfy the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution, or due to a conflict of interest, the bureau shall post on the bureau's website a list of the names of the applicants who have been placed in the initial applicant pool.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60846. Written Public Comments and Responses

(a) Beginning on the date that the names of the successful Phase I applicants are posted on the bureau's website, and continuing throughout the remainder of the application process until the panel selects 60 of the most qualified applicants, the bureau shall provide opportunities for the public to submit written comments regarding the applicants being considered. The bureau shall post a form for submitting written comments on the bureau's website. The public may submit comments electronically or by facsimile, United States mail, or other common carrier.

(b) The panel may only consider written comments that it receives regarding applicants who have been placed in a pool of applicants for the panel's evaluation and have not been removed. To be considered by the panel, a written comment must satisfy all of the following requirements:

(1) The bureau received the written comment prior to the deadline established by the bureau for receiving written comments concerning the applicants being considered during the current phase of the application process.

(2) The comment contains specific facts related to an applicant's eligibility and qualifications to serve as a member of the commission or is related to the accuracy of any statement made by the applicant as part of the application process.

(3) The information that is contained in the comment appears sufficiently credible to warrant consideration.

(4) The name and contact information for the person providing the comment is included in the comment.

(5) The comment contains a certification by the person providing the comment that the information included in the comment is true and correct and based on the author's personal knowledge.

(c) Subject to the provisions of section 60842, subdivision (f), the bureau shall, as soon as practicable, post on the bureau's website all written comments that may be considered by the panel pursuant to subdivision (b), including, but not limited to, the name of the person providing the comment.

(d) The bureau shall send a copy of any written comments received about an applicant to the applicant, with a notice stating how the applicant may submit a written response and the deadline for submitting the response.

(e) Written comments and responses about an applicant submitted during any phase of the application process shall be included in the applicant's application materials and may be considered by the panel during all subsequent phases of the application process during which the applicant remains in a pool of applicants for the panel's evaluation. Comments and responses received after the deadline for receiving comments during a particular phase of the application

process may be considered by the panel during a subsequent phase provided the applicant remains in a pool of applicants for the panel's evaluation.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60847. Phase II Supplemental Application

(a) In Phase II of the application process, the bureau shall direct the members of the initial applicant pool to submit a supplemental application with supporting materials. The bureau shall post supplemental application forms on the bureau's website for use by the members of the applicant pool. Except for individuals qualifying for a reasonable accommodation under the Americans with Disabilities Act of 1990 (commencing with section 12101 of title 42 of the United States Code), applicants shall complete the supplemental application forms and supporting materials electronically and submit them using the bureau's website. Notwithstanding this requirement, applicants may submit letters of recommendation by facsimile, United States mail, or other common carrier as an alternative to submitting the letters through the bureau's website.

(b) The Phase II supplemental application period shall extend a minimum of 30 days.

(c) The supplemental application, with supporting materials, shall consist of all of the following:

(1) Questions designed to elicit information from the applicant describing his or her qualifications to serve on the commission, including essay questions to be answered in 3200 characters (approximately 500 words) or less.

(2) Questions designed to elicit information about the applicant, including, but not limited to:

(i) Former names, former residences, and felony convictions, if any.

(ii) Educational and employment history.

(iii) Involvements with, and financial contributions to, professional, social, political, volunteer, and community organizations and causes.

(3) Questions about an applicant's immediate family members.

(4) A requirement that the applicant submit three letters of recommendation from individuals or organizations.

(5) Notice that the applicant will be required to submit a Statement of Economic Interests (FPPC Form 700) if the applicant is later identified by the panel as an applicant that may be directed to participate in an interview by the panel.

(d) The bureau shall remove from the initial applicant pool any applicants who fail to submit a completed supplemental application with supporting materials by the deadline established by the bureau.

(e) The bureau shall transmit a copy of every complete and timely received supplemental application with supporting materials to the panel. Subject to the provisions of section 60842, subdivision (f), the bureau shall also post the supplemental application with supporting materials on the bureau's website.

(f) After posting the supplemental applications with supporting materials on its website, the bureau shall establish a deadline for the receipt of written public comments during Phase II of the application process.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution; Section 8252, Government Code*.]

§ 60848. Phase II Supplemental Application Review

(a) During Phase II, each member of the panel shall review the application materials submitted regarding each applicant remaining in the applicant pool, for the purpose of determining which applicants shall be removed from the pool to leave no more than 120 of the most qualified applicants who will be invited to participate in Phase III of the application process.

(b) The maximum of 120 most qualified applicants who will be invited to participate in Phase III of the application process shall consist of the following three subpools:

(1) 40 applicants who are registered with the largest political party in California.

(2) 40 applicants who are registered with the second largest political party in California.

(3) 40 applicants who are not registered with either of the two largest political parties in California.

(c) At the panel's request, the State Auditor may assign staff to assist the members of the panel with their review of the application materials. This assistance may include, but need not be limited to, preparing summaries of applicants' qualifications and making recommendations to the panel members regarding the relative qualifications of the applicants.

(d) The panel shall remove from the applicant pool any applicant who the panel determines has a conflict of interest or does not meet the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(e) In reducing the applicant pool to not more than 120 of the most qualified applicants, the panel shall evaluate the applicants based on their relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography.

(f) As the application process is designed to produce a commission that is reasonably representative of the State's diversity, as specified in subdivision (c)(1) of section 2 of Article XXI of the California Constitution, the panel shall also consider whether the composition of the pool of applicants to participate in Phase III of the application process is reflective of the State's diversity. The panel shall not use formulas or specific ratios in identifying which applicants will participate in Phase III of the application process.

(g) During the panel's review of the application materials and reduction of the applicant pool, the panel shall identify those applicants it considers likely to be among the 120 of the most qualified applicants, and direct those applicants to submit a Statement of Economic Interests (Form 700) within a period of 30 days, so that the panel may consider the applicants' statements prior to identifying the pool of 120 most qualified applicants.

(h) The bureau shall post on the bureau's website a list of the applicants remaining in the applicant pool who will therefore be invited to participate in Phase III of the application process. The bureau shall also notify the applicants removed from the applicant pool that they have been removed from the pool.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60849. Phase III Interviews

(a) In Phase III of the application process, the panel shall direct the applicants remaining in the applicant pool to participate in public interviews conducted by the panel in Sacramento.

(b) The bureau shall schedule the interviews at the convenience of the panel, providing at least 7 calendar days notice to the applicants of the date, time, and location of the interviews.

(c) The bureau shall pay the reasonable and actual expenses for an applicant to attend an interview as described in this subdivision. The bureau shall also reimburse applicants for the reasonable and necessary travel expenses that they incur to attend an interview, including, the following:

(1) If the bureau determines that an applicant requires air travel to attend an interview, the bureau shall directly purchase airline tickets for that applicant.

(2) Non-air transportation expenses shall be reimbursed and computed in accordance with the applicable regulations of the Department of Personnel Administration in effect on the date that the expenses are incurred. Reimbursement shall not exceed the maximum reimbursement rates established for nonrepresented state employees.

(3) Living expenses shall be reimbursed in an amount not to exceed the maximum reimbursement rates for nonrepresented state employees claimed and computed in accordance with the Department of Personnel Administration regulations in effect on the date the expenses

are incurred. This includes overnight accommodations if the bureau determines such accommodations are necessary.

(4) An applicant may request a reasonable advance from the bureau if incurring the expenses described in paragraph (2) would create an undue financial hardship. All requests are subject to approval by the State Auditor or the State Auditor's designee.

(d) During the interviews, questions may only be posed by members of the panel, panel staff, and legal counsel for the panel. The questioning may concern anything that is relevant to an applicant's eligibility and qualifications to serve on the commission.

(e) The panel shall record all of the interviews that it conducts and post the recordings on the bureau's website as soon as practicable after each interview is completed.

(f) The bureau shall establish a deadline for the receipt of written public comments during Phase III of the application process. The deadline shall be set for a date following the conclusion of all of the interviews.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60850. Phase III Applicant Review

(a) During Phase III, the panel shall review the applicants who participated in interviews by the panel, along with all of the application materials submitted regarding those applicants, for the purpose of determining which applicants shall be removed from the applicant pool to leave 60 of the most qualified applicants who will participate in Phase IV of the application process.

(b) The 60 applicants who will participate in Phase IV of the application process shall consist of the following three subpools:

(1) 20 applicants who are registered with the largest political party in California.

(2) 20 applicants who are registered with the second largest political party in California.

(3) 20 applicants who are not registered with either of the two largest political parties in California.

(c) The panel shall remove from the applicant pool any applicant who the panel determines has a conflict of interest or does not meet the requirements of subdivision (c)(3) of section 2 of Article XXI of the California Constitution.

(d) In reducing the applicant pool to 60 of the most qualified applicants, the panel shall evaluate the applicants based on their relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography.

(e) As the application process is designed to produce a commission that is reasonably representative of the State's diversity, as specified in subdivision (c)(1) of section 2 of Article XXI of the California Constitution, the panel shall also consider whether the composition of the pool of applicants to participate in Phase IV of the application process is reflective of the State's diversity. The panel shall not use formulas or specific ratios in identifying which applicants will participate in Phase IV of the application process.

(f) The bureau shall post on the bureau's website a list of the applicants remaining in the applicant pool who will therefore be invited to participate in Phase IV of the application process. The bureau shall also notify the applicants removed from the applicant pool that they have been removed from the pool.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60851. Reconsideration

(a) An applicant who is excluded or removed from an applicant pool, by either the bureau or the panel, based on any of the following grounds, may seek timely reconsideration of the decision by the entity making the decision:

(1) Conflict of interest.

(2) Failing to satisfy the eligibility requirements for serving as a member of the commission, as set forth in subdivision (a)(3) of section 2 of Article XXI of the California Constitution.

(3) Failing to comply with a procedural requirement of the application process.

(b) All other decisions by the bureau and the panel, including, but not limited to, decisions to exclude or remove applicants from an applicant pool, except for the decisions described in subdivision (a), are final at the time the decisions are made, and an applicant has no right to seek reconsideration of those decisions by either the bureau or the panel.

(c) An applicant seeking reconsideration of a decision described in subdivision (a) shall submit to the bureau a written request for reconsideration that complies with all of the following requirements:

(1) Is received by the bureau within 10 days after the date that the bureau issued a notice to the applicant that he or she was being excluded or removed from an applicant pool for any of the reasons stated in subdivision (a).

(2) Includes a statement of facts, with supporting evidence, establishing by a preponderance of evidence that the applicant was excluded or removed from an applicant pool erroneously.

(3) Contains a certification that the facts alleged in the request for reconsideration are true and correct.

(d) All requests for reconsideration that do not satisfy the requirements of subdivision (c) shall be summarily denied by the bureau or the panel. Upon the bureau or the panel denying a request for reconsideration of a decision described in subdivision (a), or upon the period for filing such a request expiring without a request being received, whichever occurs first, the decision shall become final and the applicant will have no further right to seek reconsideration of the decision.

(e) If the bureau or the panel determines that an applicant has, in a written request for reconsideration, established by a preponderance of evidence that he or she was erroneously excluded or removed from an applicant pool for one of the reasons stated in subdivision (a), the bureau or the panel shall place the applicant in that applicant pool and the applicant shall participate in the application process in the same manner as if the applicant had not been excluded or removed.

(f) Notwithstanding subdivisions (b) and (d), at any time during the application process, the panel may, solely at its own discretion, reconsider and correct a past decision of the panel or the bureau during the application process due to gross error or other compelling circumstances.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60852. Phase IV: Applicant Name Striking Process

(a) During Phase IV of the application process, the panel shall present to the Legislature a list containing the names of 60 of the most qualified applicants identified by the panel during Phase III of the application process for legislative leaders to exercise their right to strike up to 24 names from the list.

(b) On or before October 1 of the application year, the panel shall present to the Secretary of the Senate and the Chief Clerk of the Assembly, by hand-carried letter, the list containing the names of 60 of the most qualified applicants divided into three subpools of twenty each, based on their party affiliation and nonaffiliation. The bureau shall also make available to the legislative leaders the application materials and recorded interviews of each of the applicants on the list, and any factual materials gathered by the bureau or the panel concerning those applicants.

(c) On or before November 15 of the application year, the State Auditor shall accept from the Secretary of the Senate and the Chief Clerk of the Assembly a joint presentation of the list of names described in subdivision (a) with no more than a total of eight names stricken by the legislative leaders from each of the subpools. Time permitting prior to the expiration of the November 15 deadline, if the Secretary of the Senate and the Chief Clerk of the Assembly jointly present a list of names to the State Auditor that does not retain at least twelve names in each subpool, the State Auditor shall return the list to the Secretary of the Senate and the Chief Clerk of the Assembly for correction.

(d) An applicant whose name has been stricken from a subpool by a legislative leader shall be removed from the selection process and may not serve as a member of the commission. An

applicant removed from the selection process because his or her name was stricken from a subpool by a legislative leader may not appeal or seek reconsideration of the removal from the bureau or the panel.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60853. Phase V: Random Drawing of First Eight Commissioners

(a) During Phase V of the application process, the State Auditor shall randomly draw the names of eight applicants from those remaining after the legislative leaders have exercised their right to strike the names of up to 24 applicants from the pool of 60 of the most qualified applicants identified by the panel. The State Auditor shall conduct the random drawing on or before November 20 of the application year in the manner prescribed by section 60824.

(b) Notwithstanding subdivision (a), the State Auditor shall randomly draw the names of 8 applicants from the names of all the applicants in the pool of 60 most qualified applicants identified by the panel, rather than from a reduced collection of names, if the Secretary of the Senate and the Chief Clerk of the Assembly do not jointly present, by November 15 of the application year, a list containing the names of no fewer than 12 applicants in each of the three subpools that comprise the list.

(c) The eight applicants whose names are drawn by the State Auditor shall become members of the commission.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 2, Article XXI, California Constitution*; *Section 8252, Government Code*.]

§ 60854. Transmission of Remaining Application Materials to Commission

After the State Auditor randomly draws the names of the first eight commissioners, the bureau shall provide the eight commissioners with the application materials and recorded interviews of each of the applicants remaining in the applicant pool.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Section 8252, Government Code*.]

§ 60855. Commission Vacancies

(a) If a vacancy occurs on the commission before it completes its redistricting function, and the commission is unable to fill the vacancy with an applicant from the same subpool of applicants that the vacating commissioner was drawn or selected from, as it existed on November 20 of the application year, the commission shall provide written notification to the State Auditor. Upon receiving the written notice, the State Auditor shall, as soon as practicable, reconvene a panel to create a new subpool consisting of twenty of the most qualified applicants having the same party affiliation or nonaffiliation as the vacating commissioner. In creating the new subpool, the panel

shall attempt to fill the subpool with applicants who participated in the most recent application process, according to the following order:

(1) Applicants who participated in interviews during Phase III of the application process.

(2) Applicants who submitted supplemental applications with supporting materials during Phase II of the application process.

(b) If a vacancy occurs on the commission after it completes its redistricting function, and the commission determines that it needs to fill the vacancy but is unable to fill it with an applicant from the same subpool of applicants that the vacating commissioner was drawn or selected from, as it existed on November 20 of the application year, the commission shall provide written notification to the State Auditor. Upon receiving the written notice, the State Auditor shall, as soon as practicable, reconvene a panel to create a new subpool consisting of twenty of the most qualified applicants having the same party affiliation or nonaffiliation as the vacating commissioner. In creating the new subpool, the panel shall attempt to fill the subpool with applicants who participated in the most recent application process in the manner specified by paragraphs (1) and (2) of subdivision (a).

(c) “Completes its redistricting function,” for the purposes of this section, means approving three final maps that separately set forth the district boundary lines for the Senate, Assembly, and State Board of Equalization districts and certifying the three final maps to the Secretary of State.

(d) Upon creating a new subpool of applicants, the panel shall submit the names of the applicants in the subpool to the commission and the Secretary of State with the application materials and recorded interviews of each of the applicants.

[Note: Authority cited: *Section 8546, Government Code*. Reference: *Sections 8252, 8252.5 Government Code*.]